

722 Architectural and Industrial Maintenance Coating

722.1 Except as provided in paragraphs (a), (b), and (c), this rule is applicable to any person who supplies, sells, offers for sale, or manufactures any architectural coating for use within the District of Columbia, as well as any person who applies or solicits the application of any architectural coating within the District of Columbia. This rule does not apply to:

- (a) Any architectural coating that is sold or manufactured for use outside of the District of Columbia or for shipment to other manufacturers for reformulation or repackaging;
- (b) Any aerosol coating product; or
- (c) Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

722.2 The standards for architectural and industrial maintenance coating will be as follows:

- (a) VOC Content Limits: except as provided in paragraphs (b), (c), (h), (i), and (j), no person shall:
 - (1) manufacture, blend, or repackage for sale within the District of Columbia;
 - (2) supply, sell, or offer for sale within the District of Columbia; or
 - (3) solicit for application or apply within the District of Columbia, any architectural coating with a VOC content in excess of the corresponding limit specified in Table I, after the specified effective date in Table I;
- (b) Most Restrictive VOC Limit: the most restrictive VOC content limit shall apply if anywhere on the container of any architectural coating, or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in Table I. This provision does not apply to the coating categories specified in the following subparagraphs (1) through (15):
 - (1) Lacquer coatings (including lacquer sanding sealers);
 - (2) Metallic pigmented coatings;
 - (3) Shellacs;
 - (4) Fire-retardant coatings;

- (5) Pretreatment wash primers;
 - (6) Industrial maintenance coatings;
 - (7) Low-solids coatings;
 - (8) Wood preservatives;
 - (9) High-temperature coatings;
 - (10) Temperature-indicator safety coatings;
 - (11) Antenna coatings;
 - (12) Antifouling coatings;
 - (13) Flow coatings;
 - (14) Bituminous roof primers; and
 - (15) Specialty primers, sealers, and undercoaters;
- (c) **Sell-Through of Coatings:** a coating manufactured prior to the effective date specified for that coating in Table I, may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in Table I may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. Paragraph (c) does not apply to any coating that does not display the date or date code required by subparagraph 722.3(a)(1);
- (d) **Painting Practices:** all architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging, or other means, shall be closed when not in use. These architectural coatings containers include, but are not limited to, drums, buckets, cans, pails, trays, or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use;
- (e) **Thinning:** no person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in Table I;
- (f) **Rust Preventive Coatings:** effective June 30, 2004, no person shall apply or solicit the application of any rust preventive coating for industrial use, unless such a rust preventive coating complies with the industrial maintenance coating VOC limit specified in Table I;
- (g) **Coatings Not Listed in Table I:** for any coating that does not meet any of the definitions for the specialty coatings categories listed in Table I, the VOC content limit shall be determined by classifying the coating as a flat coating or a non-flat coating, based on its gloss, as defined in § 799, and the corresponding flat or non-flat coating limit shall apply;
- (h) **Industrial Maintenance Coatings:**

- (1) After June 30, 2004, a manufacturer, seller, or user may petition the District to apply an industrial maintenance coating with a VOC content up to 340 g/l if all of the following conditions are met:
 - (A) The industrial maintenance coating is applied outside the ozone season (the ozone season is May through September every year;
 - (B) The petition submitted to the District shall contain the following information, as applicable: job requirements and descriptions, volume of coating, maximum VOC content, and a certification that a complying coating meeting the job performance requirements is not available;
 - (C) If the District grants written approval, such approval shall contain volume and VOC limit conditions. Until written approval is granted by the District and received by the petitioner, all provisions of this rule shall apply;
 - (2) The District shall not approve any petition under subparagraph 722.2(h)(1) if the approvals previously granted by the District during the calendar year, when combined with the petition under consideration, would result in excess VOC emissions for that calendar year which would be greater than five percent of the annual emission reduction achieved within the District of Columbia from implementing the June 30, 2004 VOC limit for industrial maintenance coatings. Coatings subject to this provision shall be sold only if an approved petition (or a copy of it) is provided prior to the sale. Coatings subject to this provision shall not be available to the general public;
- (i) Lacquers: notwithstanding the provisions of paragraph 722.2(a), a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70 percent and temperature below 65°F, at the time of application, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC; and
 - (j) Averaging Compliance Option: On or after June 30, 2004, in lieu of compliance with the specified limits in Table 1 for floor coatings; industrial maintenance coatings; primers, sealers, and undercoaters; quick-dry primers, sealers, and undercoaters; quick-dry enamels; roof coatings; rust preventative coatings; stains; waterproofing sealers, as well as flats and non-flats (excluding recycled coatings), manufacturers may

average designated coatings such that their actual cumulative emissions from the averaged coatings are less than or equal to the cumulative emissions that would have been allowed under those limits over a compliance period not to exceed one year. Such manufacturers must also comply with the averaging provisions contained in Appendix A, as well as maintain and make available for inspection records for at least three years after the end of the compliance period. This subsection and Appendix A, shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

722.3 The container labeling requirements provide that each manufacturer of any architectural coatings shall list the following information on the coating container (or label) in which the coating is sold or distributed:

- (a) Date Code: the date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the District;
- (b) Thinning Recommendations: a statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning;
- (c) VOC Content: each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed in grams of VOC per liter of coating. VOC content displayed shall be calculated using product formulation data, or shall be determined using the test methods in paragraph (b). The equations in paragraph 722.5(a) shall be used to calculate VOC content;
- (d) Industrial Maintenance Coatings: in addition to the information specified in subparagraphs 722.3(a)(1), 722.3(a)(2), and 722.3(a)(3), each manufacturer of any industrial maintenance coating subject to this rule shall display on the label or the lid of the container in which the coating is sold or distributed one or more of the descriptions listed in subparagraphs (1) through (3):
 - (1) "For industrial use only;"
 - (2) "For professional use only;"

- (3) "Not for residential use" or "Not intended for residential use;"
- (e) Clear Brushing Lacquers: effective June 30, 2004, the labels of all clear brushing lacquers shall prominently display the statements "For brush application only," and "This product must not be thinned or sprayed;"
- (f) Rust Preventive Coatings: effective June 30, 2004, the labels of all rust preventive coatings shall prominently display the statement "For Metal Substrates Only;"
- (g) Specialty Primers, Sealers, and Undercoaters: effective June 30, 2004, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in subparagraphs (1) through (5):
 - (A) For blocking stains;
 - (B) For fire-damaged substrates;
 - (C) For smoke-damaged substrates;
 - (D) For water-damaged substrates; or
 - (E) For excessively chalky substrates;
- (h) Quick Dry Enamels: effective June 30, 2004, the labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time; and
- (i) Non-Flat - High-Gloss Coatings: effective June 30, 2004, the labels of all non-flat - high-gloss coatings shall prominently display the words "High Gloss."

722.4 The following reporting requirements shall apply to each manufacturer of architectural and industrial maintenance coatings:

- (a) Clear Brushing Lacquers: each manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the District. The report shall specify the number of gallons of clear brushing lacquers sold in the state during the preceding calendar year, and shall describe the method used by the manufacturer to calculate state sales;
- (b) Rust Preventive Coatings: each manufacturer of rust preventive coatings shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the District. The report shall specify the

number of gallons of rust preventive coatings sold in the state during the preceding calendar year, and shall describe the method used by the manufacturer to calculate state sales;

- (c) Specialty Primers, Sealers, and Undercoaters: each manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2005, submit an annual report to the District. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in the state during the preceding calendar year, and shall describe the method used by the manufacturer to calculate state sales;
- (d) Toxic Exempt Compounds: for each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before April 1 of each calendar year beginning with the year 2005, report to the District the following information for products sold in the state during the preceding year:
 - (1) the product brand name and a copy of the product label with the legible usage instructions;
 - (2) the product category listed in Table I to which the coating belongs;
 - (3) the total sales in (the jurisdiction of the state or local air pollution control agency) during the calendar year to the nearest gallon; and
 - (4) the volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.
- (e) Recycled Coatings: manufacturers of recycled coatings must submit a letter to the District certifying their status as a Recycled Paint Manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning with the year 2004, submit an annual report to the District. The report shall include, for all recycled coatings, the total number of gallons distributed in the state during the preceding year, and shall describe the method used by the manufacturer to calculate state distribution; and
- (f) Bituminous Coatings: each manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar year beginning with the year 2005, submit an annual report to the District. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in the state during the preceding calendar year, and shall describe the method used by the manufacturer to calculate state sales.

722.5 The compliance provisions and test methods for architectural and industrial maintenance coatings are as follows:

- (a) Calculation of VOC Content: for the purpose of determining compliance with the VOC content limits in Table I, the VOC content of a coating shall be determined by using the procedures described in subparagraph (1) or (2), as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured;

- (1) With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using equation 1 as follows:

$$\text{VOC Content} = \frac{(W_s - W_w - W_{ec})}{(V_m - V_w - V_{ec})}$$

Where:

VOC content = grams of VOC per liter of coating
W_s = weight of volatiles, in grams
W_w = weight of water, in grams
W_{ec} = weight of exempt compounds, in grams
V_m = volume of coating, in liters
V_w = volume of water, in liters
V_{ec} = volume of exempt compounds, in liters

- (2) For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using equation 2 as follows:

$$\text{VOC Content (ls)} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

Where:

VOC Content (ls) = the VOC content of a low solids coating in grams per liter of coating
W_s = weight of volatile, in grams
W_w = weight of water, in grams
W_{ec} = weight of exempt compounds, in grams

V_m = volume of coating, in liters

- (b) VOC Content of Coatings: to determine the physical properties of a coating in order to perform the calculations in subparagraph 722.5(a)(1), the reference method for VOC content is U.S. EPA Method 24, incorporated by reference in subparagraph (e)(9), except as provided in paragraphs (c) and (d). An alternative method to determine the VOC content of coatings is SCAQMD Method 304-91 (Revised February 1996), incorporated by reference in subparagraph (e)(10). The exempt compounds content shall be determined by SCAQMD Method 303-91 (Revised August 1996), incorporated by reference in subparagraph (e)(8)(C). To determine the VOC content of a coating, the manufacturer may use U.S. EPA Method 24, or an alternative method, as provided in paragraph (c), formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g. quality assurance checks, record keeping). However, if there are any inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 results will govern, except when an alternative method is approved as specified in paragraph (c). The District may require the manufacturer to conduct a Method 24 analysis;
- (c) Alternative Test Methods: other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with paragraph (b), after review and approved in writing by the staffs of the (state or local air pollution control agency), and the U.S. EPA, may also be used;
- (d) Methacrylate Traffic Coating Markings: analysis of methacrylate multi-component coatings used as traffic marking coatings shall be conducted according to a modification of U.S. EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in subparagraph (e)(11). This method has not been approved for methacrylate multicomponent coatings used for other purposes than as traffic marking coatings or for other classes of multicomponent coatings;
- (e) Test Methods: the following test methods are incorporated by reference herein, and shall be used to test coatings subject to the provisions of this rule:
 - (1) Flame Spread Index: the flame spread index of a fire-retardant coating shall be determined by the ASTM Designation E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials," (see § 799, Fire-Retardant Coating);

- (2) Fire-Resistance Rating: the fire-resistance rating of a fire-resistive coating shall be determined by ASTM designation E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials," (see § 799, Fire-Resistive Coating);
- (3) Gloss Determination: the gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), "Standard Test Method for Specular Gloss," (see § 799, Flat Coating, Non-flat Coating, Non-flat - High-Gloss Coating, and Quick Dry Enamel);
- (4) Metal Content of Coatings: the metallic content of a coating shall be determined by SCAQMD Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," (see § 799, Metallic Pigmented Coating);
- (5) Acid Content of Coatings: the acid content of a coating shall be determined by ASTM Designation D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products," (see § 799, Pre-Treatment Wash Primer);
- (6) Drying Times: the set-to-touch, dry-hard, dry-to-touch and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, "Standard Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature," (see § 799, Quick Dry Enamel and Quick-Dry Primer, Sealer, and Undercoater). The tack free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95;
- (7) Surface Chalkiness: the chalkiness of a surface shall be determined using ASTM Designation D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films," (see § 799, Specialty Primer, Sealer, and Undercoater);
- (8) Exempt Compounds:
 - (A) Siloxanes: exempt compounds that are cyclic, branched, or linear, completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with subsection 722.5 by BAAQMD Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," BAAQMD Manual of Procedures, Volume III, adopted November 6, 1996, (see § 799, Volatile Organic Compound, and paragraph (b));

- (B) Parachlorobenzotrifluoride (PCBTF): the exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with subsection 722.5 by BAAQMD Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride," BAAQMD Manual of Procedures, Volume III, adopted December 20, 1995, (see § 799, Volatile Organic Compound, and paragraph (b));
- (C) Exempt Compounds: the content of compounds exempt under U.S. EPA Method 24 shall be analyzed by SCAQMD Method 303-91 (Revised 1993), "Determination of Exempt Compounds," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," (see § 799, Volatile Organic Compound, and paragraph (b));
- (9) VOC Content of Coatings: The VOC content of a coating shall be determined by U.S. EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) Part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," (see paragraph (b));
- (10) Alternative VOC Content of Coatings: The VOC content of coatings may be analyzed by either U.S. EPA Method 24 or SCAQMD Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," SCAQMD "Laboratory Methods of Analysis for Enforcement Samples," (see paragraph (b)); and
- (11) Methacrylate Traffic Marking Coatings: The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings," (September 11, 1998), (see paragraph (d)).

Table I.

VOC Content Limits for Architectural Coatings

Limits are expressed in grams of VOC per liter¹ of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to tint bases. "Manufacturers maximum recommendation" means the

maximum recommendation for thinning that is indicated on the label or lid of the coating container.

VOC Content Limit

Coating Category (Effective in California Districts January 1, 2003)

Flat Coatings	100
Non-flat Coatings	150
Non-flat- High Gloss Coatings	250

Specialty Coatings

Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350
Bond Breakers	350
Clear Wood Coatings	
• Clear Brushing Lacquers	680
• Lacquers (including lacquer sanding sealers)	550
• Sanding Sealers (other than lacquer sanding sealers)	350
• Varnishes	350
Concrete Curing Compounds	350
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire-Resistive Coatings	350
Fire-Retardant Coatings	
• Clear	650
• Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High-Temperature Coatings	420
Industrial Maintenance Coatings	340
Low-Solids Coatings	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	200
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	400
Shellacs	

• Clear	730
• Opaque	550
Specialty Primers, Sealers, and Undercoaters	350
Stains	250
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Traffic Marking Coatings	150
Waterproofing Sealers	250
Waterproofing Concrete/Masonry Sealers	400
Wood Preservatives	350

Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.

Appendix A

A.1

The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation:

$$\sum_{i=1}^n GiMi \leq \sum_{i=1}^n GiViLi$$

Where:

$$\sum_{i=1}^n GiMi = \text{Actual emissions}$$

$$\sum_{i=1}^n GiLiVi = \text{Allowable Emissions}$$

G_i = Total gallons of product (i) subject to averaging;

M_i = Material VOC content of product (i), in pounds per gallon;

$$M_i = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

V_i = Percent by volume solids and VOC in product (i);

$$V_i = \frac{(V_m - V_w - V_{ec})}{(V_m)}$$

Where: W_s , W_w , W_{ec} , V_m , V_w and V_{ec} are defined in paragraph 722.5(a), except that in this appendix weights are in pounds and volumes are in gallons.

For non-zero VOC coatings:

$$V_i = \frac{\text{Material VOC (also known as VOC actual)}}{\text{Coating VOC (also known as VOC regulatory)}}$$

Where:

$$\text{Coating VOC} = \frac{(W_s - W_w - W_{ec})}{(V_m)}$$

For zero VOC coatings

Vi = Percent solids by volume.

Li = Regulatory VOC content for (i), in pounds per gallon; as listed in Table I.

The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the averaging program shall comply with the VOC limit in Table I. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the state, if statewide coatings data are used. If state-specific coatings data are used, the manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the (jurisdiction of the state or local air pollution control agency).

A.2 Averaging Program

At least six months prior to the start of the compliance period, manufacturers shall submit an Averaging Program ("Program") to the District. As used in this Appendix A, "Air Director" means the District. Averaging may not be implemented until the Program is approved in writing by the Air Director.

Within 45 days of submittal of a complete Program, the Air Director shall either approve or disapprove the Program. The Program applicant and the Air Director may agree to an extension of time for the Air Director to take action on the Program.

A.3 General Requirements

The Program shall include all necessary information for the Air Director to make a determination as to whether the manufacturer may comply with the averaging requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following:

- A.3.1 An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the Program.
- A.3.2 An identification of each coating that has been selected by the manufacturer for inclusion in this program that exceeds the applicable VOC limit in Table I, its VOC content specified in units of both VOC actual and VOC regulatory, and the designation of the coating category.
- A.3.3 A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that is below the compliance limit in Table I. The

demonstration shall use the equation specified in subsection A.1 of this Appendix for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume within the state for each coating listed in the Program during each compliance period. The requested data can be summarized in a matrix form.

- A.3.4 A specification of the compliance periods) and applicable reporting dates. The length of the compliance period shall not be more than one year or less than six months.
- A.3.5 An identification and description of all records to be made available to the Air Director upon request, if different than those identified under subsection A.3.6.
- A.3.6 An identification and description of specific records to be used in calculating emissions for the Program and subsequent reporting, and a detailed explanation as to how those records will be used by the manufacturer to verify compliance with the averaging requirements.
- A.3.7 A statement, signed by a responsible party for the manufacturer, that all information submitted is true and correct, and that records will be made available to the Air Director upon request.

A.4 Reporting Requirements

- A.4.1 For every single compliance period, the manufacturer shall submit a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 15 days for submittal of the mid-term report.
- A.4.2 Within 60 days after the end of the compliance period or upon termination of the Program, whichever is sooner, the manufacturer shall submit to the Air Director a report listing all coatings subject to averaging during the compliance period, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, any identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other information requested by the Air Director to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the

responsible party for the manufacturer, attesting that all information submitted is true and correct, and that records will be made available to the District request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.

A.5 Renewal of a Program

A Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the Program by submitting a renewal request that shall include an updated Program, meeting all applicable Program requirements. The renewal request will be considered conditionally approved until the District makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The District shall base such determination on all available information, including but not limited to, the mid-term and the final reports of the preceding compliance period. The District shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer and the District agree to an extension of time for the District to take action on the renewal request.

A.6 Modification of a Program

A manufacturer may request a modification of the Program at any time prior to the end of the compliance period. The District shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. A Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.

A.7 Termination of a Program

A.7.1 A manufacturer may terminate its Program at any time by filing a written notification to the District. The filing date shall be considered the effective date of the termination, and all other provisions of this rule, including the VOC limits, shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination date. Any exceedance of the actual emissions over the allowable emissions over the period that the Program was in effect shall constitute a separate violation for each day of the entire compliance period.

A.7.2 The District may terminate a Program if any of the following circumstances occur:

A.7.2.1 The manufacturer violates the requirements of the approved Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions.

A.7.2.2 The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

A.8 Change in VOC Limits

If the VOC limits of a coating listed in the Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.

A.9 Labeling

Each container of any coating that is included in averaging program, and that exceeds the applicable VOC limit in Table I, shall display the following statement: "This product is subject to architectural coatings averaging provisions in (the jurisdiction of your state or local air pollution control agency)." A symbol specified by the District may be used as a substitute.

A.10 Violations

The exceedance of the allowable emissions for any compliance period shall constitute a separate violation for each day of the compliance period. However, any violation of the requirements of the Averaging Provision of this rule, which the violator can demonstrate, to the District, did not cause or allow the emission of an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation.

A.11 Sunset of Averaging Provision

The averaging provision set forth in Appendix A shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.